

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 29134 of 2007(R)

PETITIONER:

V.VIJAYAN,S/O. V.VASU,
SREE BHAVANAM,STADIUM WARD,
ALAPPUZHA-1.

BY ADV. SRI.V.K.PEERMOHAMED KHAN

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.
2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM,THIRUVANANTHAPURAM.
3. THE CHIEF ENGINEER,HRM,
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM,THIRUVANANTHAPURAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC
BY ADV.SRI.ASOK M. CHERIAN – SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.GIRI,J.

W.P (C) No. 29134 of 2007

Dated this the 19th November, 2007

J U D G M E N T

Petitioner retired from service on 31.10.2005 as Senior Superintendent from the Electricity Board. He is aggrieved by the fact that in calculating his pension, the Board has not taken into account the previous service rendered by him in the K.S.R.T.C., prior to his joining the service of the K.S.E.B.

2. The petitioner joined the K.S.R.T.C on 7.7.1977 as provisional Conductor on daily wages, in which capacity he continued till 31.7.1979. From 1.8.1979 to 25.9.1980 he was working as Conductor on regular basis. He resigned from the services of the Corporation and thereafter he joined the services of the Board. When he retired, his service in the Board and his previous service as Conductor on regular basis from 1.8.1979 to 25.9.1980 has been taken into account for determining the retirement benefits. His grievance is regarding the exclusion of the period from 7.7.1977 to 31.7.1979.

In a statement filed by the K.S.R.T.C., it is stated that prior regular pensionable service rendered by the petitioner in Government and Government Organizations is reckoned as

part of qualifying service. It is therefore that service of the petitioner in the K.S.R.T.C from 1.8.1979 to 25.9.1980 has been taken into account. Earlier service on daily wages is not eligible to be reckoned for pensionary benefits as it is not qualifying service. I do not find any illegality or irregularity in the stand taken by the K.S.R.T.C. The engagement of the petitioner on daily wages for the earlier period that is from 7.7.1977 to 31.7.1979 cannot be treated as part of qualifying service. Consequently, the same cannot be included in the petitioner's service for the purpose of computing pension.

I do not find any merit in this writ petition and the same is therefore, dismissed.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

W.P (C) No. 29134 of 2007

2

25th May, 2007